IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 9123 OF 2005

Dated : April 4, 2006

Between:

Thakur Ganga Singh

Petitioner

AND

The Presiding Officer,
Labour Court-II, Hyderabad and others

Respondents

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 9123 OF 2005

ORAL ORDER:

Seeking a direction to the respondents to grant continuity of service with full back wages, medical reimbursement and increments by quashing the order dated 10.9.2004 made in I.D. No. 140 of 2002 by the first respondent herein, the petitioner filed this writ petition.

The petitioner herein has joined the second respondent as Watchman on 8.8.1991 on a monthly salary of Rs.550/-, which was enhanced from time to time

and as on the date of removal i.e. 25.1.2002, he was paid Rs.1900/-. It is further stated that 10% of the salary was being deducted towards provident fund. While so, petitioner applied for medical leave from 2.10.2001 to 31.10.2001 and since he did not recover from the ailment, he extended the leave and after recovery, when he went to report to duty on 25.1.2002, the second respondent did not permit to join duty and informed him that they have removed him from service. Therefore, the petitioner raised an Industrial Dispute ID No. 140 of 2002 seeking reinstatement into service with full back wages, continuity of service and other attendant benefits.

The case of the second respondent is that after expiry of leave, the petitioner did not choose to join duty on 1.11.2001, or any subsequent date but abandoned the service without intimation. The allegation that the respondents have passed termination order on 25.1.2002 is denied

The first respondent having regard to the evidence of the petitioner as WW-1 and Exs. W-1 to W-5 on his behalf and MW-1 and Exs. M-1 and M-2 on behalf of the respondent No.2, directed the respondents 2 and 3 to reinstate the petitioner into service as Watchman without back wages on the condition of the petitioner producing medical fitness certificate.

Aggrieved of the same , the petitioner preferred the

present writ petition inter alia contending that the petitioner is entitled to the deductions made from the salary of the petitioner on account of provident fund, etc. and the first respondent has erred in not granting full back wages and medical reimbursement, increments, etc.

The learned Standing counsel for the respondent submits that the petitioner was paid all statutory dues and produced Xerox copy of letter issued by the petitioner, wherein the petitioner has stated that he resigned the job on 8.2.2006. The documents further show that the petitioner has received all kinds of benefits from the respondents 2 and 3 viz., Gratuity, salary upto the date of resignation, bonus, etc.

In view of the fact that the petitioner has resigned from the employment on 8.2.2006 and has also received all the statutory dues from the respondents 2 and 3, no orders need be passed in this writ petition. Consequently, the writ petition is closed. No order as to costs.

N.V.RAMANA, J.

April 4, 2006
MAS.